

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

CIVIL NO. 10-976 JC/LFG
CRIM. NO. 07-1010 JC

HERBERT I. PERKINS,

Defendant-Movant.

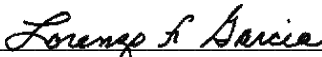
**ORDER DENYING DEFENDANT-MOVANT'S
MOTION FOR APPOINTMENT OF COUNSEL**

THIS MATTER comes before the Court on the Motion for Appointment of Counsel [Doc. 4], filed by Defendant-Movant Herbert I. Perkins ("Perkins") on November 15, 2010. No response is necessary. For the reasons given below, the motion is denied.

Factors the Court weighs when considering a motion for appointment of counsel include the merits of the litigant's claims, the nature and complexity of the factual and legal issues raised in the claims, the litigant's ability to investigate the facts and present his claims. Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995); Steffey v. Orman, 461 F.3d 1218, 1224 (10th Cir. 2006). Counsel will not be appointed where the plaintiff's complaint and pleadings adequately present the factual and legal basis of the action and demonstrate that Plaintiff understands the basics of his constitutional and other claims. Id.

In this case, it is apparent that Perkins understands the issues involved and is capable of representing himself in a competent and intelligent manner.

IT IS THEREFORE ORDERED that the Petitioner's Motion for Appointment of Counsel [Doc. 4] is denied at this time.



Lorenzo F. Garcia
United States Magistrate Judge